

A SUBSTITUTE ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCE COMMITTEE

AMENDING SECTION 6-1007 OF THE CODE OF ORDINANCES OF THE LAND DEVELOPMENT CODE WHICH CONTAINS THE FEES CHARGED BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FOR THE PURPOSES OF ADDING MORE RECENTLY ADOPTED ZONING DISTRICTS TO THE FEE SCHEDULE FOR APPLICATIONS FOR REZONING, SITE PLAN AMENDMENTS AND SPECIAL ADMINISTRATIVE PERMITS AND MODIFYING THE FEE SCHEDULE FOR REVIEW OF SPECIAL ADMINISTRATIVE PERMITS AND CREATING A FEE FOR SIDEWALK CAFÉ PERMITS; TO AMEND SECTION 6-4028 FOR THE PURPOSE OF ADDING A RE-ADVERTISEMENT AND RE-MAILING FEE IN BOARD OF ZONING ADJUSTMENT CASES REQUESTED FOR DEFERRAL AND A REQUIREMENT THAT TRANSCRIPT COSTS OF THE BOARD'S HEARINGS BE PAID BY THE PARTY REQUESTING JUDICIAL REVIEW; AND DELETING CERTAIN SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Department of Planning and Community Development (DPCD) provides various services and reviews of applications for which it incurs costs associated with such review and administration of the various parts of the land development code within its statutory purview, including the zoning ordinance; and

WHEREAS, Section 6 of the land development code contains a fee schedule for the purpose of recovering these administrative costs; and

WHEREAS, it is necessary to update the fee schedule to incorporate into same newer created zoning districts, overlays and administrative permit processes that are not currently part of the fee schedule as well as to modify the fees associates with such reviews to reflect actual costs; and

WHEREAS, it is necessary to further modify the fee schedule to recover the actual costs incurred by the DPCD in re-advertising and re-mailing notices of Board of Zoning Adjustment hearings that are deferred at the request of the applicant as well as transcription costs of the hearings when they are appealed for the purpose of judicial review.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA,
GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. That Section 6-1007 of the Land Development Code entitled "Fees" is hereby amended as follows (with deletions and additions underlined):

The bureau of planning is hereby authorized to charge fees for the administration of the City of Atlanta's Zoning Ordinance as follows:

(a) *Rezoning applications*: Rezoning application fees shall be based on the zoning district for which an applicant applies and upon the size of the property for which the application is made, based on the following schedule:

- (1) To R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A: (all): \$500.00.
- (2) To R-5, RG, PDH: (1 acre or less): \$500.00; (1+ to 5 acres): \$625.00; (5+ to 10 acres): \$750.00; (10+ acres): \$1,250.00.
- (3) To R-LC, O-I, C-1, C-2, C-4, C-5, I-1, I-2: (1 acre or less): \$1,000.00; (1+ to 5 acres): \$1,500.00; (5+ to 10 acres): \$2,000.00; (10+ acres): \$3,000.00.
- (4) To C-3, PD-OC, PD-MU, PD-BP: (1 acre or less): \$3,000.00; (1+ to 5 acres): \$4,500.00; (5+ acres): \$6,000.00.
- (5) To any SPI District: (all): \$3,000.00.

(6) LW (Live Work), MRC (Mixed Residential Commercial), NC (Neighborhood Commercial): (One acre or less) \$3,000.00; (One plus to five acres) \$4,500.00; (Five plus acres) \$6,000.00.

(7) MR (Multi-family residential): (One acre or less) \$500.00; (One plus to five acres) \$625.00; (Five plus to ten acres) \$750.00; (Ten plus acres) \$1,250.00.

(b) *Special use permit applications*: All special use permit applications, with regard to the zoning district in which the subject property is located, shall be \$400.00.

(c) *Site plan amendment applications*: Site plan amendment fees shall be based on the zoning district in which the subject property is located and upon the size of the property for which the application for amendment is made, based on the following schedule:

- (1) In R-1, R-2, R-2A, R-2B R-3, R-3A R-4, R-4A, R-4B: (all): \$500.00.
- (2) In R-5, RG, PDH: (1 acre or less): \$500.00; (1+ to 5 acres): \$625.00; (5+ to 10 acres): \$750.00; (10+ acres): \$1,250.00.
- (3) In R-LC, O-I, C-1, C-2, C-4, C-5, I-1, I-2: (1 acre or less): \$1,000.00; (1+ to 5 acres): \$1,500.00; (5+ to 10 acres): \$2,000.00; (10+ acres): \$2,500.00.
- (4) In C-3, PD-OC, PD-MU, PD-BP: (1 acre or less): \$2,500.00; (1+ to 5 acres): \$3,250.00; (5+ acres): \$4,000.00.
- (5) In any SPI District: (all): \$3,250.00.

(6) LW (Live Work), MRC (Mixed Residential Commercial), NC (Neighborhood Commercial): (One acre or less) \$3,000.00; (One plus to five acres) \$4,500.00; (Five plus acres) \$6,000.00.

(7) MR (Multi-family residential): (One acre or less) \$500.00; (One plus to five acres) \$625.00; (Five plus to ten acres) \$750.00; (Ten plus acres) \$1,250.00.

(d) *Transfer of ownership applications*: All transfer of ownership applications (special use permit, special administrative permit, special exception), without regard to the zoning district in which the subject property is located, shall be \$200.00.

(e) *Comprehensive development plan (CDP) amendments*: All applications for rezoning or site plan amendment which are deemed by the bureau of planning to require consideration by the city council on an individual basis of a change in the adopted land use element of the comprehensive development plan (CDP) shall require, in addition to fees stated elsewhere in this section, an additional fee of \$1,000.00.

(f) *Special administrative permits*: The special administrative permit application fee shall be based on the following schedule:

- (1) Developments (new construction or any construction which results in increased lot coverage, modification of the building footprint, modification of building facades that alters the configuration of openings, and conversions or additions to existing buildings) less than 50,000 square feet of floor area: \$500.00.
- (2) Developments greater than or equal to 50,000 square feet of floor area but less than 250,000 square feet of floor area: \$1,000.00.
- (3) Developments greater than or equal to 250,000 square feet of floor area: \$1,500.00
- (4) Cell towers and co-location of antenna: \$250.00
- (5) Exterior demolition, expansions of outdoor dining and all others not listed above: \$250.00
- (g) Applications to sever, transfer or receive development rights or to amend or renew such previously approved applications: \$400.00.
- (h) *Subdivision applications:* Subdivision application fees shall be based on the size of the property for which the application is made and the complexity of the application, based on the following schedule:
 - (1) *Subdivision with all lot frontages facing an existing City of Atlanta right-of-way:* \$250.00 application fee paid at the time of submission of the application with a fee of \$10.00 per lot paid at the time that the final subdivision plat is approved.
 - (2) *Subdivision of up to ten acres requiring the installation of any right-of-way which is to be dedicated to the City of Atlanta or the connection of private streets to City of Atlanta right-of-way:* \$250.00 application fee paid at the time of submission of the application with a fee of \$10.00 per lot paid at the time that the final subdivision plat is approved.
 - (3) *Subdivision of more than ten acres requiring the installation of any right-of-way which is to be dedicated to the City of Atlanta or the connection of private streets to City of Atlanta right-of-way:* \$1,000.00 application fee paid at the time of submission of the application with a fee of \$10.00 per lot paid at the time that the final subdivision plat is approved.
 - (4) *Replat of residential property:* \$40.00 for first two lots with \$20.00 per lot for any additional lot.
 - (5) *Replat of non-residential property:* \$20.00 for first two lots with \$10.00 per lot for any additional lot.
 - (i) *Sidewalk café permits:* \$200.00 regardless of zoning district.

Fees collected under the provisions of this section shall be paid to the department of finance and credited to the General Revenue Fund of the City of Atlanta.

Section 2: That Section 6-4028 of the Land Development Code entitled “Appeals to the board” is hereby amended by adding sub-paragraphs 4) and 5) to read as follows:

4) Any applicant or appellant requesting a deferral, whether in writing prior to the hearing or in person at the hearing, of any advertised matter before the board and for which the board grants the deferral of such matter to a later hearing date shall be required within three (3) business days of the hearing at which the board grants the deferral the actual costs to be incurred by the bureau of planning in re-mailing and re-advertising the new hearing date(s) in accordance with the zoning ordinance.

5) Any person appealing from the decision of the board to the Superior Court shall pay the actual costs incurred by the City in causing the board's hearing(s) on the appeal to be transcribed as contemplated in the Zoning Ordinance. The board, through its secretary, shall communicate to the appellant the actual costs and the requirement and manner in which to pay same. The board shall not be required to file the transcript of the hearing(s) before it until such time as the appellant pays such costs.

Section 3: That proceeds received from fees collected pursuant to Sec. 6-1007 of the Land Development Code, except sidewalk café permits, shall be deposited into 1001 (General Fund) 000002 (General Revenue) 3229009 (Zoning Application fees).

Section 4: That proceeds received for sidewalk café permits shall be deposited into 1001 (General Fund) 000002 (General Revenue) 3229008 (Sidewalk Café Permits).

Section 5: That the portion of Appendix B following Part II of the Code of Ordinances of the City of Atlanta entitled "Fees" which contains the text of Section 6-1007 also be amended such that the changes identified in Section 1 of this ordinance be included therein.

Section 6: That all other parts of Appendix "B" shall remain unaffected by this ordinance.